

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCE
W/S Geipe Rd., 326.03 ft. S of * ZONING COMMISSIONER
c/l Baltimore National Pike
800 Geipe Road * OF BALTIMORE COUNTY
1st Election District
1st Councilmanic District * Case No. 95-481-XA
Legal Owner: Rolling Rd. Realty
Contract Lessee: ABC Rentals *
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception and Petition for Zoning Variance for the property located at 800 Geipe Road in western Baltimore County. The Petitions are filed by Rolling Road Realty, Inc., property owner, and ABC Rentals, Contract Lessee. Special Exception relief is requested for approval of a contractor's equipment storage yard in a B.R.-C.C.C. zone, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (BCZR). Variance relief is requested from Section 409.6.(A)(2) to allow 24 parking spaces in lieu of the required 73 parking spaces, and Section 413.2.(F) to allow a total of 200 sq. ft. of free standing signage area, in lieu of the permitted 100 sq. ft. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the site plan to accompany the Petitions for Special Exception and Variance.

Appearing at the requisite public hearing held for this case was Lee Lightner on behalf of ABC Rentals, and Tim Madden, the Landscape Architect who prepared the site plan. The Petitioner was represented by David Meadows, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject site is a tract of approximately 2.5768 acres zoned B.R.-C.C.C. The property is located adjacent to Geipe Road, near Baltimore National Pike (U.S.Route 40) in

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Date 7/27/95
By [Signature]

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western Baltimore County. The property is located in the midst of a commercial/retail area near the Catonsville community.

Previously, the site was used as a parking lot to serve a large Montgomery Wards warehouse outlet next door. That outlet is no longer in business. Other businesses in the area include gas stations and service garages as well as automobile body shops and similar retail uses.

ABC Rentals proposes leasing the subject property and constructing a building of approximately 14,445 sq. ft. The business of ABC Rentals is well known to this Commissioner and the company has many other locations in Baltimore County. In essence, the company leases all types of equipment and items to the general public. The items leased range from Bobcats and similar type contractor/construction equipment to household items. Most of the items are leased on a short term basis to homeowners and small business persons. It is of note that the building to be constructed will be divided into different sections. Approximately 1800 sq. ft. of the building will be dedicated to a showroom where items will be displayed. An additional 1800 sq. ft. will be occupied by the company's offices and an additional 1800 sq. ft. will be set aside for a repair and maintenance shop. The majority of the building, some 9,045 sq. ft., will be used for storage of the items rented. Moreover exterior storage will be provided throughout the balance of the tract as shown on the site plan.

Interestingly, the BCZR does not define that type of business in which ABC Rentals is engaged. It is not a true retail operation in the sense that no items are sold. A contractor's equipment storage yard appears to be a close fit, however. Under the definition of that term within Section 101, the BCZR notes that such a use includes any inside or outside of a building area used for storage or keeping of contractor's equipment or machinery including building materials storage, construction equipment

storage or landscaping equipment and associated materials. The items rented by ABC Rentals falls within this type of material.

A contractor's equipment storage yard is permitted in a B.R. zone by special exception pursuant to Section 236.4 of the BCZR. A special exception use is presumptively proper, upon the Petitioner showing that there will be no detrimental effect of the use upon the health, safety and general welfare of the surrounding locale. The Petitioner must meet the standards set forth in Section 502.1 of the BCZR.

Based upon the testimony and evidence presented, I am persuaded that the Petition for Special Exception should be granted. The proposed use is entirely consistent with other uses throughout the area. There is no evidence that the proposed use at this location would cause any detrimental effect to the surrounding locale. Each of the tests listed in Section 502.1 of the regulations is satisfied.

The variance relief requested is twofold. First, the Petitioner requested approval for 24 spaces in lieu of the required 73 spaces. Second, a freestanding sign of 200 sq. ft. is requested, in lieu of the maximum allowed 100 sq. ft.

As to the parking variance, same is driven by the regulations set forth in Section 409 of the BCZR. Although the use is not considered retail, the retail parking regulations are appropriate in computing the number of spaces required. However, as noted above, only a small part of the building will allow public access. If the parking calculations for retail use were applied only to the 1800 sq. ft., dedicated to the show room, 9 parking spaces would be required. Six additional spaces would be required for the office space for a total of 15 uses. The majority of spaces will be generated by the large storage area of the building. Clearly, this storage area will not, in and of itself, generate traffic.

As to the sign variance, the Petitioner noted that this site does not immediately abut U.S. Route 40 and, thus, larger signage is requested. The Petitioner also produced testimony and evidence that the proposed sign was consistent with other signs in the area. There is no adverse comment from any County agency, nor adverse witness in opposition to these variances.

Based upon the uncontradicted testimony and evidence offered, I am persuaded that the Petitioner has satisfied the burden for the granting of the variances set forth in Section 307.1 of the BCZR and the case law. I find, as fact, that the Petitioner has demonstrated that the property possesses unique characteristics which justify the variances. A denial of the variances would result in practical difficulty to the Petitioner. For these reasons, the variances will be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27th day of July, 1995 that, pursuant to the Petition for Special Exception, approval of a contractor's equipment storage yard in a B.R.-C.C.C. zone, and Section 236.4 of the BCZR, be and is hereby GRANTED; and,

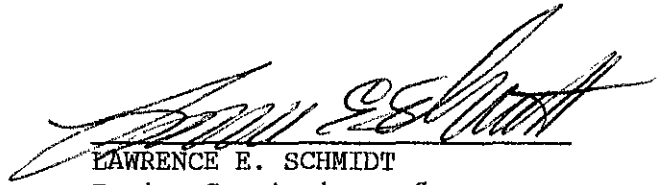
IT IS FURTHER ORDERED that a variance from Section 409.6.(A)(2) to allow 24 parking spaces in lieu of the required 73 parking spaces, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 413.2.(F) to allow a total of 200 sq. ft. of free standing signage area, in lieu of the permitted 100 sq. ft., be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until

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Date 7/27/95
By M. G. Gorkh

such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.



LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm

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FILED 7/27/95
BY M. Good

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 26, 1995

David M. Meadows, Esquire
4111 E. Joppa Road
Baltimore, Maryland 21236

RE: Petitions for Special Exception and Variance
Case No. 95-481-SPXA
Property: 800 Geipe Road
ABC Rentals, Contract Lessee/ Rolling Road Realty,
Inc., Legal Owner

Dear Mr. Meadows:

Enclosed please find the decision rendered on the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Mr. Lee Lightner, ABC Rentals, 6425-B Baltimore National Pike, 21128



#472



Petition for Special Exception

95-481-XA
to the Zoning Commissioner of Baltimore County

for the property located at

800 Geipe Road

which is presently zoned

BR-CCC

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A special exception, of a "Contractor's Equipment Storage Yard", pursuant to Section 236.4 of the Baltimore County Zoning Regulations. See, attached Statement of Reasons.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee.

ABC RENTALS
(Type or Print Name)
Signature Lee Lightner, Agent
6425-B Baltimore National Pike
Address
Baltimore, Maryland 21128
City State Zipcode

Attorney for Petitioner:

David M. Meadows, Esq
(Type or Print Name)
Signature
4111 E. Joppa Road (410) 529-4600
Address Phone No.
Baltimore, Maryland 21236
City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

ROLLING ROAD REALTY, INC.
(Type or Print Name)
Signature Richard F. Brinker, Agent
(Type or Print Name)
Signature

6189 Executive Blvd. (301) 438-8531
Address Phone No.

Rockville, Maryland 20852
City State Zipcode
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Name
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 1 hr.
unavailable for Hearing

the following dates Next Two Months

ALL OTHER
REVIEWED BY: DATE 6/21/95

95-481-XA

Justification for Special Exception to allow a "Contractor's Equipment Storage Yard" in a BR-CCC Zone, pursuant to Section 236.4 of the BCZR.

The requested Special Exception, if granted, will result in the inclusion of a storage yard with the proposed tool and equipment Rental Center. The storage yard is a vital element of the rental operation. Without the granting of this Special Exception, the ABC Rental Center will not be able to locate here.

We would like to point out that the granting of the requested Special Exception will not:

- a. Be detrimental to the health, safety or general welfare of the locality. This Center will be maintained and operated in a safe manner and will contribute positively to the Community.
- b. Tend to create congestion in roads. Access to this site will utilize an existing curb cut. The traffic generated from the proposed use will not exceed the traffic which was generated from this site when the now-vacant building next door was in operation by Montgomery Wards.
- c. Create a potential hazard from fire, panic or other dangers. The operations on this site will meet or exceed all applicable safety codes. Sufficient access will be designed so as to provide adequate fire protection.
- d. Tend to overcrowd land and cause undue concentration of population. This development will not generate any additional population. All employees are existing residents. This type of use has not been shown to result in concentrations of populations.
- e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements. This proposal is a redevelopment of an already-paved parking lot. It will not interfere with any of the above.
- f. Interfere with adequate light and air. The proposed building mass, setbacks, arrangement and clearances in the outdoor storage yard will not interfere with the passage/flow of light and air.
- g. Be inconsistent with the purpose of the Property's zoning classification...

The proposal is entirely consistent with the spirit and intent of the BR Zone in a CCC district.

- h. Be inconsistent with the impermeable surface and vegetative retention provisions of these zoning regulations. The site exists as a paved parking lot. The proposal will actually result in less paving and more landscaping than the existing conditions.

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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

800 Gepe Road

which is presently zoned BR-CCC

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

- 409-6(A)(2) to allow 24 parking spaces in lieu of the required 73 parking spaces.

- 413.2(F) to allow a total of 200 S.F. of freestanding sign area in lieu of the permitted 100 S.F.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See attached Statement of Reasons.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

ABC Rentals
(Type or Print Name)

[Signature]
Signature

LEE LIGHTNER
Address

6425-B Baltimore Nat. Pike
Baltimore, Md. 21123
City State Zipcode

Attorney for Petitioner:

[Signature]
(Type or Print Name)

David M. Macdonald
Signature

9111 E Sope Rd (410) 529-4600
Address Phone No.

Baltimore Md 21232
City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Rolling Road Realty, Inc
(Type or Print Name)

[Signature]
Signature

Richard F. Brinker
(Type or Print Name)

Signature

6189 Executive Blvd. (301) 438-8531
Address Phone No

Rockville Md 20852
City State Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

6/21/95



Printed with Soybean Ink
on Recycled Paper

MICRON



STATEMENT OF REASONS

95-481-XA

Variance from Section 409.6(A)(2) to allow 24 parking spaces in lieu of the required 73 parking spaces.

The proposed use, a tool and equipment Rental Center, is categorized in the parking regulations contained within the BCZR as, "Retail - General". This category requires parking at the rate of 5 spaces for every 1,000 sf of gross floor area. The proposed 14,445 sf of gross floor area generates a requirement of 73 parking spaces.

The 14,445 sf will be comprised of the following areas:

- 1,800 sf of showroom
- 1,800 sf of office space
- 1,800 sf of repair and maintenance shop
- 9,045 sf of equipment storage, staging and maneuvering area.

In reality, this use does not generate parking requirements the same as general retail uses. Most customers call ahead to reserve the tool and/or equipment which they wish to rent. They pull their vehicle into the contractor's equipment storage yard in the rear of the building to pick up their equipment. Walk-in customers park their vehicles, walk into the showroom, make their inquiry and either pickup the desired item, or leave.

Therefore, it is reasonable to provide parking for the showroom area at the rate required for general retail use, which is: $1,800 \text{ sf} @ 5/1000 = 9 \text{ parking spaces}$

The mezzanine (partial second story) office space will generate parking at the rate required for office use, which is: $1,800 \text{ sf} @ 3.3/1000 = 6 \text{ spaces}$

The other uses within the building, as well as the outdoor contractor's equipment storage yard, do not generate any parking requirement, for the following reasons:

- a. Customers are not permitted in the shop area nor in the equipment storage areas.
- b. The shop area and the equipment storage and staging areas are ancillary to the customer interaction functions occurring in the showroom area.
- c. This type of use, a tool and equipment rental center is a unique and unusual use which generates parking requirements in a very unusual and peculiar way.

APPROVED

95-4181-XA

- d. The requirement to provide parking for all of the gross floor areas of this unique use presents the Applicant with a practical difficulty in the utilization of this 2.3 acre lot. The practical difficulty is created by application of the parking requirement for 5 parking spaces per 1,000 sf applied to this unique use which requires significantly less parking.
- e. The 24 proposed parking spaces will provide the Applicant with more than adequate parking for his needs as well as the needs of his clients.
- f. Any other reasons or justifications which may be presented to the Hearing Officer in person.

95-481-XA

Variance from Section 413.2(F) to allows a total of 200 s.f. of freestanding sign area in lieu of the permitted 100 s.f.

- a. The proposed site is located along a commercial service road where much the existing signage is already 200 s.f. or greater, in size. The size of the signage should be 100 s.f. on both sides of the sign so as to avoid the practical difficulty of little or no visibility. Signage for this use is needed as an identifier so that people looking for the Rental Center can find it. Geipe Road is only about 1400 feet long, so visibility from Rte 40 and from Rolling Road is important to this business. Therefore, a pylon sign of 100 s.f. of sign face on both sides is needed to provide identity.
- b. Any other reasons or justifications which may be presented to the Hearing Officer in person.

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



ZONING DESCRIPTION

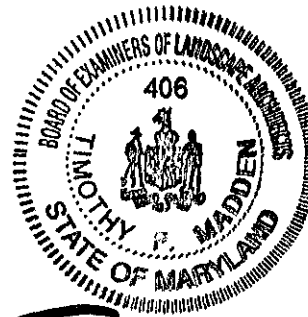
FOR 95-481-XA

THE PROPOSED ABC RENTAL CENTER AT 800 GEIPE ROAD

Beginning at a point on the west side of Geipe Road, which is Seventy (70) feet wide at the distance of three hundred twenty-six and three-hundredths (326.03) feet south of the centerline of Baltimore National Pike (U.S. Route 40) which is seventy-five (75) feet wide. Thence, following the following courses:

North 74° 19' 54" W. 275 ft., N. 36° 33' 30" E. 331.28 ft., N. 74° 19' 54" W. 398.45 ft./ M. 10° 05' 33" W. 74.87 ft., N. 15° 40' 06" E. 235.05 ft. to the point of beginning, as recorded in Deed Liber 5009, Folio 559.

Being Lot #4, Section One in the subdivision known as the "Geipe Tract" recorded in Baltimore County Plat Book #WJR 28, Folio 10, containing 2.64 acres, more or less. This property is also known as 800 Geipe Road located in the First Election District.



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Tim Madden
6/22/95

☐ 139 N. MAIN STREET, SUITE 200
BEL AIR, MARYLAND 21014
(410) 879-1690 (410) 836-7560
FAX (410) 879-1820

☐ 110 WEST ROAD, SUITE 105
TOWSON, MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

☐ 9090 JUNCTION DRIVE, SUITE 9
ANNAPOLIS JUNCTION, MARYLAND 20701
(410) 792-9446 (301) 470-4470
FAX (410) 792-7395

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

95-4181-X17

District: 1st Date of Posting: 7/7/95

Posted for: Special Exception & Variance

Petitioner: Rolling Rd. Realty, Inc.

Location of property: 500 Beipe Rd, w/s

Location of Signs: Facing road way, on property being zoned

Remarks: _____

Posted by: M. Hardy Date of return: 7/14/95
Signature

Number of Signs: 1



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein, in Room 108 of the County Office Building, located at 111 W.

Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:
95-481-XA (Item 472)
800 Galpe Road
W/S Galpe Road, 326.03'
S of c/l Baltimore
National Pike
1st Election District
1st Councilmanic
Legal Owner(s):

Rolling Road Realty, Inc.
Contract Purchaser(s):
ABC Rentals
HEARING: TUESDAY,
JULY 25, 1995 at 11:00
a.m. in Rm. 118, Old
Courthouse.

Special Exception: for a contractor's equipment storage yard. **Variance:** to allow 24

parking spaces in lieu of the required 75 parking spaces and to allow a total of 200 square feet of freestanding sign area in lieu of the permitted 100 square feet.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

7/034 July 6,

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

July 7, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 6, 1995.

THE JEFFERSONIAN,

A. H. Hemmerson
LEGAL AD. - TOWSON



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-481-XA

Account: R-001-6150

Number

Date 6/21/95

Taken In By: WDK

Item: 472

ABC Rentals - 800 Geige Road
050 - Special Exception - \$ 300.00
020 - Comm Variance - \$ 250.00
080 - 2 Signs - \$ 70.00

\$ 620.00

RECEIVED
BALTIMORE COUNTY
JUN 23 1995

RECEIVED
BALTIMORE COUNTY
JUN 23 1995

\$620.00

Please Make Checks Payable To: Baltimore County

Cashier Validation



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 472

Petitioner: A B C Rentals

Location: 800 Geipe Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: David M. Meadows, Esq

ADDRESS: 4111 E. Joppa Road

Balto. MD. 21236

PHONE NUMBER: (410) 529-4600

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
June 27, 1995 Issue - Jeffersonian

Please forward billing to:

David M. Meadows, Esq.
4111 E. Joppa Road
Baltimore, MD 21236
529-4600

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-481-XA (Item 472)
800 Gelpe Road
W/S Gelpe Road, 326.03' S of c/l Baltimore National Pike
1st Election District - 1st Councilmanic
Legal Owner(s): Rolling Road Realty, Inc.
Contract Purchaser(s): ABC Rentals
HEARING: TUESDAY, JULY 25, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Exception for a contractor's equipment storage yard.
Variance to allow 24 parking spaces in lieu of the required 73 parking spaces and to allow a total of 200 square feet of freestanding sign area in lieu of the permitted 100 square feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 27, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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Special Exception for a contractor's equipment storage yard.
Variance to allow 24 parking spaces in lieu of the required 73 parking spaces and to allow a total of 200 square feet of freestanding sign area in lieu of the permitted 100 square feet.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director
Department of Permits and Development Management

cc: Rolling Road Realty, Inc.
ABC Rentals
David M. Meadows, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



MAILED 11/11/95

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 18, 1995

David M. Meadows, Esquire
4111 E. Joppa Road
Baltimore, Maryland 21236

RE: Item No.: 472
Case No.: 95-481-XA
Petitioner: Rolling Road Realty

Dear Mr. Meadows:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 21, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: July 12, 1995

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 450, 470 and 472

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Pat Keller

PK/JL

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: July 11, 1995
Zoning Administration and Development Management

FROM: *Sub* Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for July 10, 1995
Items 468, 469, 472, 473, 474, 475, 476 and 477

The Development Plans Review Division has reviewed
the subject zoning item and we have no comments.

RWB:sw

MICROFILMED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 7/7/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: July 3, 1995

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 468
469
470
472
473

LS:sp

LETTY2/DEPRM/TXTSBP



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6-23-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 472 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

**PETITION PROBLEMS
AGENDA OF JULY 3, 1995**

#469 --- JRA

1. Need title of person signing for legal owner.
2. Need address and telephone number for legal owner.
3. Need attorney.

#470 --- CAM

1. Receipt was not given to petitioner - still in folder.

#471 --- CAM

1. Need telephone number for legal owner.
2. Receipt was not given to petitioner - still in folder.

#472 --- MJK

1. Need printed or typed title for person signing for legal owner.
2. Need power of attorney for person signing for legal owner.
3. Need printed or typed title for person signing for contract purchaser.
4. Need power of attorney for person signing for contract purchaser.
5. No location description on folder.

#475 --- JRA

1. Folder was not marked critical area.

#476 --- JLL

1. Need power of attorney for person signing for contract purchaser.

MICROFILMED

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

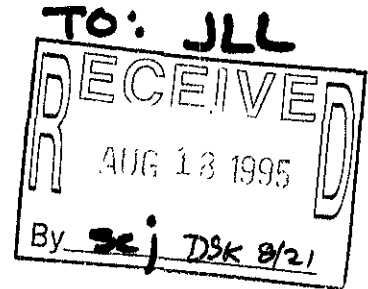
INTER-OFFICE CORRESPONDENCE

DATE: August 17, 1995

To: Mr. Wirth - DEPRM, SWM
Mr. Stewart - DEPRM, EIRD
Mr. Seeley - DEPRM, W & S
Mr. Richards - PDM, Development Control
Mr. Ogle - PDM, House Numbers & Street Names
Mr. Bowling - PDM, DES (3)
Capt. Paull - Fire Dept. - 1102F
Mr. Grossman - Rec & Parks
Mr. Small - SHA (3)
Mr. McDaniel - OPZ, Development Review (3)

From: Susan Wimbley

Subject: Project Name: ABC RENTAL CENTER
Project No.: 95141Z Geipe Road
PDM No.: I-436
District: 1
Engineer: MRA
Phone No.: 821-1690



Action: ☒ Limited Exemption (26-171.b.9)
☐ Waived Hearing Officer Hearing
☐ CRG Non-material Amendment
☐ Waived CRG Meeting

Please review the attached plan for compliance with current regulations and return comments to this office by **SEPT. 7, 1995**. If you have no comments or do not need to review this plan, please indicate by placing your initials here

Please initial here if your agency requests PDM, Land Acquisition, to acquire

_____ HIGHWAY WIDENING
_____ GREENWAY
_____ DRAIN/UTILITY EASEMENT
_____ FOREST CONSERVATION

_____ FOREST BUFFER
_____ FLOODPLAIN
_____ PUBLIC WORKS AGRMT
_____ NONE OF THE ABOVE

LTDEXEMP.DOT

DISAPPROVED FOR ZONING PER DISAGREEMENT
WITH ZONING HEARING SITE PLAN IN CASE #
95-481-XA.

DISCUSSED WITH ENGR ON 8/21/95 NO ACTION
ON CORRECTION BY DEADLINE APPL'D DATE

MICROFILMED

J. Lewis 9/7/95
J. Lewis PDM.

**Department of Permits and
Development Management**

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

July 12, 2005

Ms. Nicole M. Lacoste, Esquire
Ballard Spahr Andrews & Ingersoll, LLP
300 East Lombard St., 18th Floor
Baltimore, Maryland 21202-03268

Re: 700 Geipe Road
Zoning Case 95-481-XA
1st Election District

Dear Ms. Lacoste:

Your letter to Timothy Kotroco, Director of Permits and Development Management, has been referred to me for reply. As stated in your letter the zoning commissioner on 7-27-95 granted a special exception for a contractors equipment storage yard, a variance to allow 24 parking spaces in lieu of the minimum required 73 spaces and a variance to allow a total of 200 square feet of freestanding signage area in lieu of the maximum permitted 100 square feet for this site. Your client proposes a lot line adjustment as shown on the submitted highlighted site plans. The proposed adjustment would decrease the area of the special exception (2.5768 acres per the zoning order and 2.364 acres per your letter) to 2.222 acres. This matter has been reviewed by staff and it has been determined that a special hearing would be required to amend the area of the granted special exception.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "John J. Sullivan".

John J. Sullivan
Planner II
Zoning Review

JJS/ clb

Visit the County's Website at www.baltimorecountyonline.info



**Department of Permits and
Development Management**

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

September 8, 2005

Ms. Nicole M. Lacoste, Esquire
Ballard, Spahr, Andrews & Ingersoll, LLP.
300 East Lombard Street, 18th Fl.
Baltimore, Maryland 21202-3268

Re: Follow-up to Spirit and Intent Letter dated
3-30-05, Zoning Case No. 95-481-XA
800 Geipe Road
1st Election District

Dear Ms. Lacoste,

Your letter to Timothy Kotroco, Director of Permits and Development Management has been referred to me for reply. As stated in your letter, Mr. William Monk of Morris & Ritchie Associates, Inc. met with Donald T. Rascoe, Deputy Director of Permits and Development Management to discuss my July 12, 2005 letter to you, which stated that a Special Hearing would be required for a proposed lot line adjustment to amend the prior granted case no. 95-481-XA. Per my brief conversation with Mr. Rascoe yesterday, it was determined that a proposed lot line adjustment as shown on the submitted site plan which accompanied your prior letter is approved as being within the spirit and intent of the above referenced granted zoning case and as such will not require a Special Hearing before the Zoning Commissioner.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Sullivan, Jr.", is written over a horizontal line.

John J. Sullivan, Jr.
Planner II
Zoning Review

JJS/ clb

C: Donald T. Rascoe
Case file 95-481-XA

Visit the County's Website at www.baltimorecountyonline.info





Baltimore County
Department of Permits and Licenses
111 West Chesapeake Avenue
Towson, Maryland 21204



SUEBURN MD P&DC 208-06302X 1/23

PERSON CARRIED
MAILING
ADDRESS
NO. OF OFFICES IN STATE
NO. OF OFFICES IN COUNTY

Joe

→ **Not At This Address**

ROLLING ROAD REALTY INC
6189 EXECUTIVE BLVD
ROCKVILLE MD 20852

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 27, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-481-XA (Item 472)
800 Geipe Road
W/S Geipe Road, 326.03' S of c/l Baltimore National Pike
1st Election District - 1st Councilmanic
Legal Owner(s): Rolling Road Realty, Inc.
Contract Purchaser(s): ABC Rentals
HEARING: TUESDAY, JULY 25, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Exception for a contractor's equipment storage yard.
Variance to allow 24 parking spaces in lieu of the required 73 parking spaces and to allow a total of 200 square feet of freestanding sign area in lieu of the permitted 100 square feet.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director
Department of Permits and Development Management

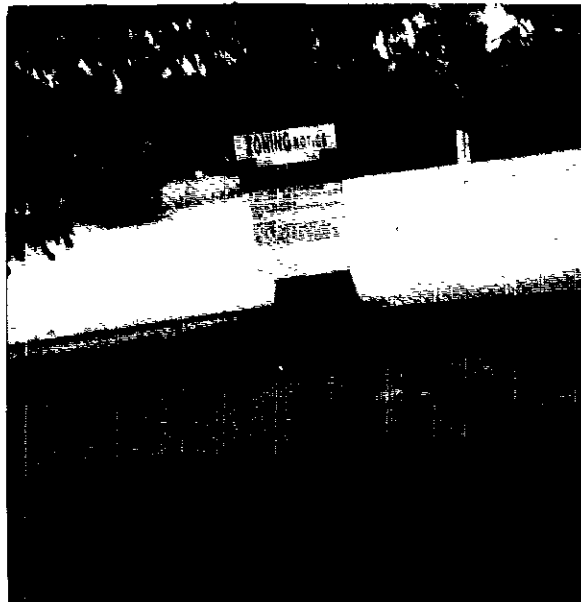
cc: Rolling Road Realty, Inc.
ABC Rentals
David M. Meadows, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

RECEIVED
JUL 7 1995

ZADM





11/6/1



TIMOTHY F. MADDEN A.S.L.A., A.I.C.P.
PRINCIPAL

110 WEST ROAD SUITE 105
TOWSON MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

① David M Meadows, Esq
(Attorney for Petitioners)

4111 E 50th Rd
Baltimore, Md 21236

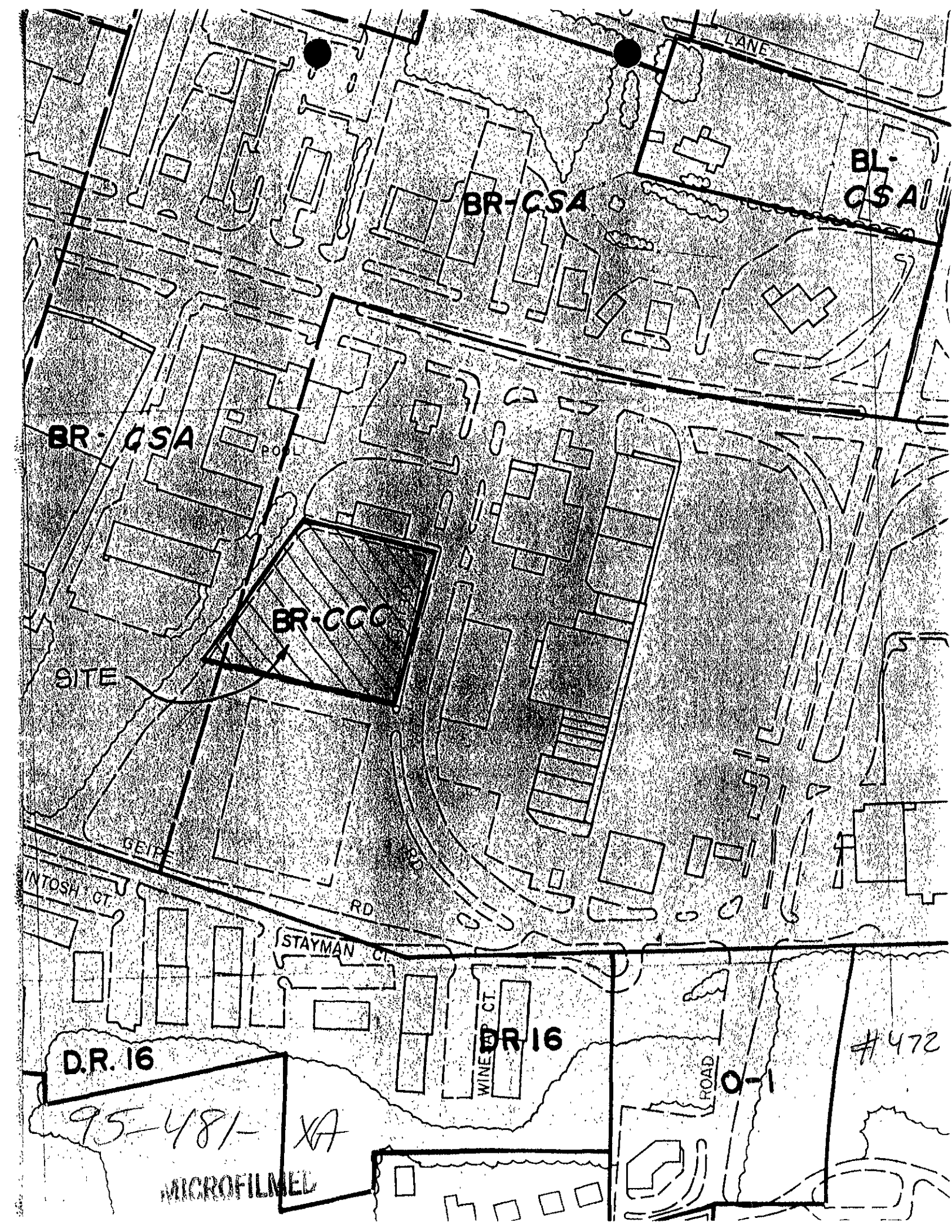
② Tim Madden, consultant

110 West Road, suite 105 Towson, Md.

③ LEE LIGHTNER
(ABC RENTAL)

6425 BALTIMORE NATL PIKE
CATONSVILLE, MD 21228





BR-CSA

BL-CSA

BR-CSA

BR-CCC

SITE

GEIFF

RD

STAYMAN CT

D.R. 16

BR 16

WINE CT

ROAD

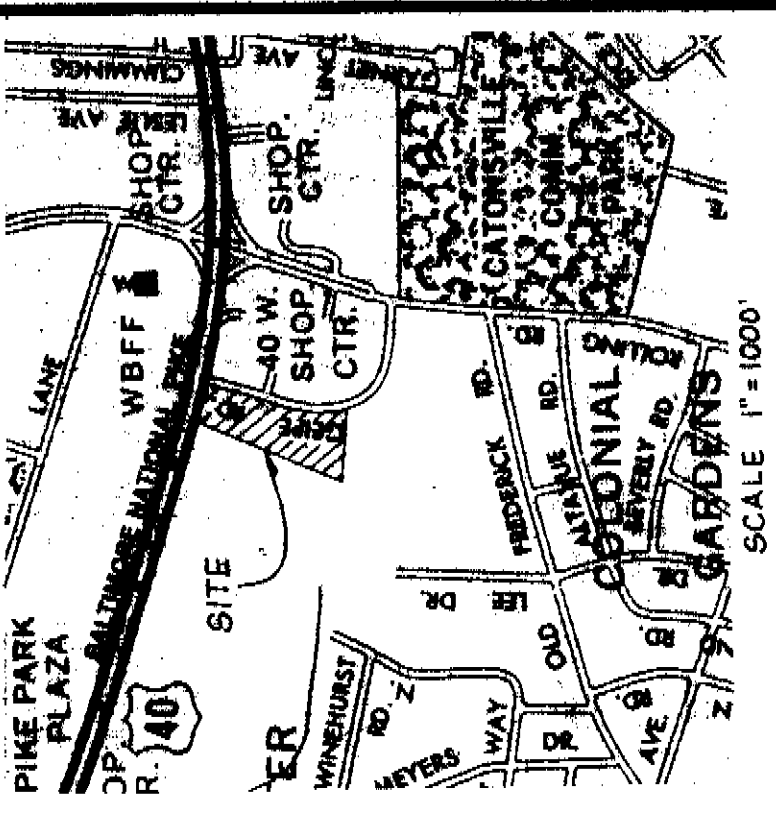
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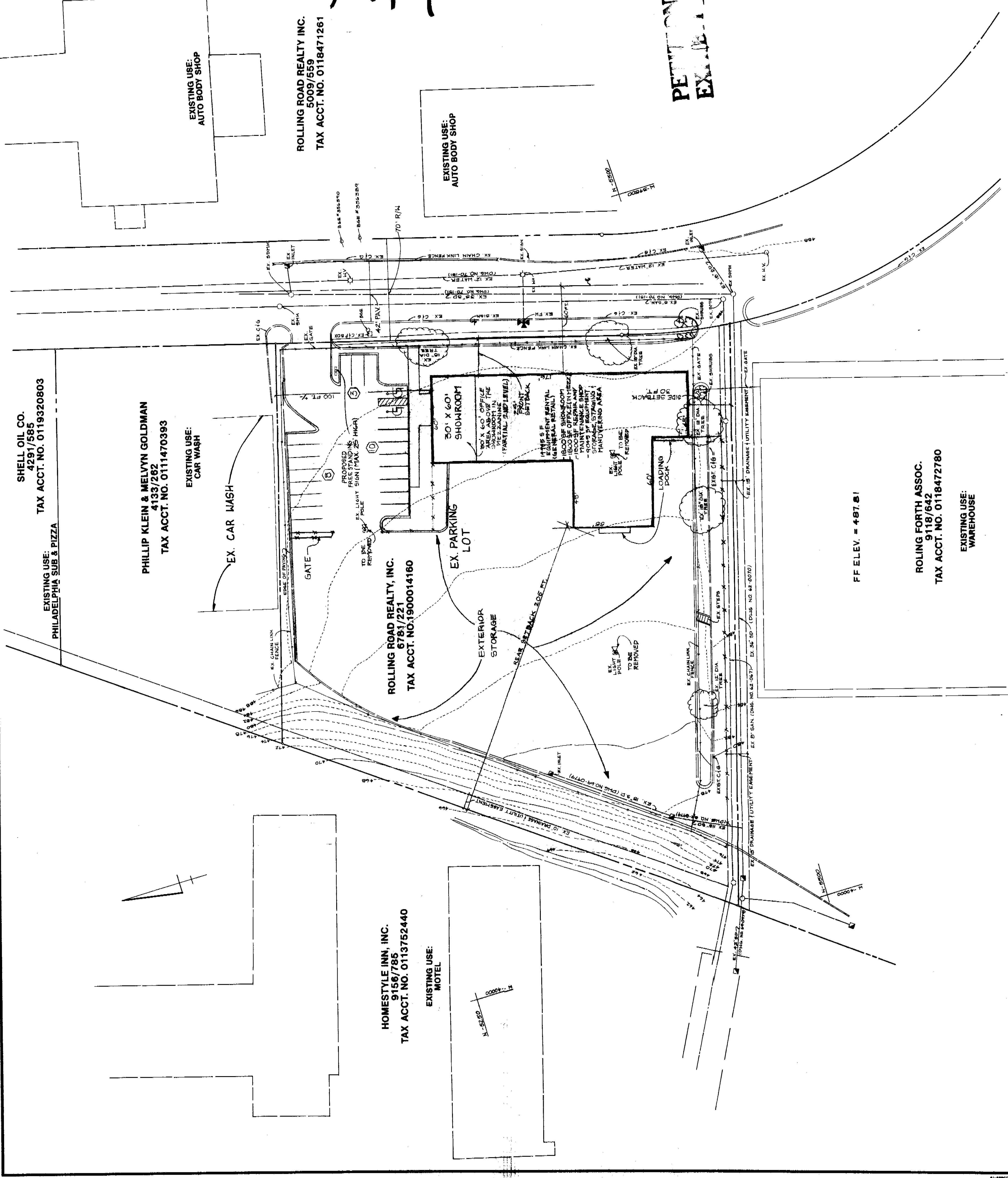
95-481-

XA


MICROFILMED



95-481-XA



1. PROJECT NAME: Proposed ABC Rental Center
2. DEVELOPER: ABC Rental Center, Inc.
3. OWNER: ABC Rental Center, Inc.
4. ATTORNEY: David A. Lerner, Esq., Lerner, LLC
5. CONSULTANT: Morris & Ritchie Associates, Inc.
6. SITE LOCATION: Rolling Road, Suite 105, Tax Acct. No. 0118471261
7. PREVIOUS CONSIDERATION: None
8. SUBMITTER'S CERTIFICATION: This site is proposed for the same use as the existing use, and the proposed use is not a change of use as defined in the Zoning Ordinance.
9. ZONING: R-100
10. LANDSCAPE: A landscape plan is required for this project. The landscape plan shall include a site plan showing the location of all trees to be removed and replaced, and a plan showing the location of all new trees to be planted. The landscape plan shall also include a plan showing the location of all existing trees to be preserved.
11. EXISTING USE: None
12. PROPOSED USE: ABC Rental Center
13. EXISTING BUILDING: None
14. PROPOSED BUILDING: ABC Rental Center
15. EXISTING LOT: 105
16. PROPOSED LOT: 105
17. EXISTING SETBACK: 10 feet
18. PROPOSED SETBACK: 10 feet
19. EXISTING DRIVEWAY: None
20. PROPOSED DRIVEWAY: None
21. EXISTING UTILITY: None
22. PROPOSED UTILITY: None



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
110 West Road, Suite 105
Towaco, New Jersey 07090
(201) 821-1800
Fax: (201) 821-1748

PLAN TO ACCOMPANY PETITION
FOR SPECIAL EXCEPTION HEARING
ABC RENTAL
GEIPE ROAD

MICROFILMED
472

DATE	REVISIONS	JOB NO.
		10078
		SCALE: 1" = 30'
		DATE: 5-23-95
		DRAWN BY: BMJ
		DESIGN BY:
		REVIEW BY: TRJ
		SHEET:

PETITIONER'S
EXHIBIT No. 1

FF ELEV. = 487.81

ROLLING FORTH ASSOC.
9118/642
TAX ACCT. NO. 0118472780

EXISTING USE:
WAREHOUSE

LEGEND

C	CABLE TELEVISION CONDUIT	CNC	CONCRETE
E	ELECTRICAL CONDUIT	CLG	CURB AND GUTTER
F	FENCE LINE	BLD	BUILDING
X	NATURAL GAS CONDUIT	TRV	ELECTRICAL TRANSFORMER
G	OVERHEAD WIRE	ASPH	ASPHALT
OW	OVERHEAD WIRE	ESP	EXISTING
P	TELEPHONE/COMMUNICATIONS CONDUIT	REP	REPLACEMENT
W	WATER CONDUIT	BL	BUILDING RESTRICTION LINE
SD	STORM DRAIN CONDUIT	R/W	RIGHT-OF-WAY
W	WATER DRAIN CONDUIT		

1	SANITARY CLEANOUT
2	STORM DRAIN MANHOLE
3	ELECTRICAL JUNCTION BOX
4	FIRE DEPARTMENT CONNECTION
5	FIRE HYDRANT
6	GAS VALVE
7	GAS POLE
8	PHONE MANHOLE
9	PHONE MANHOLE
10	PHONE MANHOLE
11	PHONE MANHOLE
12	PHONE MANHOLE
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98	PHONE MANHOLE
99	PHONE MANHOLE
100	PHONE MANHOLE



GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft.

Approved Plan
9-28-05
95-481-X

OLD ORCHARD APARTMENTS
PB. JRS2 P. 34

RELOCATED GEIPE ROAD

WITH VARIATIONS

OLD ORCHARD LIMITED PARTNERSHIP

LOT 5, SECTION TWO

GEIPE TRACT

PB. RRG 29 P. 6

212,926 SQ. FT. OR 4.88811 ACRES

LOUISE RAHLL

L. 14008 F. 440

L. 11114 F. 653

LOT 4-A, SECTION ONE

GEIPE TRACT

PB. SM68 P. 48

2,364 ACRES

LOUISE RAHLL

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LOT 5, SECTION TWO

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LOT 5, SECTION TWO

GEIPE TRACT

PB. RRG 29 P. 6

212,926 SQ. FT. OR 4.88811 ACRES

LOUISE RAHLL

L. 14008 F. 4

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCE * ZONING COMMISSIONER
W/S Geipe Rd., 326.03 ft. S of *
c/1 Baltimore National Pike * OF BALTIMORE COUNTY
800 Geipe Road *
1st Election District * Case No. 95-481-XA
1st Councilmanic District *
Legal Owner: Rolling Rd. Realty *
Contract Lessee: ABC Rentals *
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception and Petition for Zoning Variance for the property located at 800 Geipe Road in western Baltimore County. The Petitions are filed by Rolling Road Realty, Inc., property owner, and ABC Rentals, Contract Lessee. Special Exception relief is requested for approval of a contractor's equipment storage yard in a B.R.-C.C.C. zone, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (BCZR). Variance relief is requested from Section 409.6.(A)(2) to allow 24 parking spaces in lieu of the required 73 parking spaces, and Section 413.2.(F) to allow a total of 200 sq. ft. of free standing signage area, in lieu of the permitted 100 sq. ft. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the site plan to accompany the Petitions for Special Exception and Variance.

Appearing at the requisite public hearing held for this case was Lee Lightner on behalf of ABC Rentals, and Tim Madden, the Landscape Architect who prepared the site plan. The Petitioner was represented by David Meadows, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject site is a tract of approximately 2.5768 acres zoned B.R.-C.C.C. The property is located adjacent to Geipe Road, near Baltimore National Pike (U.S.Route 40) in

western Baltimore County. The property is located in the midst of a commercial/retail area near the Catonsville community.

Previously, the site was used as a parking lot to serve a large Montgomery Wards warehouse outlet next door. That outlet is no longer in business. Other businesses in the area include gas stations and service garages as well as automobile body shops and similar retail uses.

ABC Rentals proposes leasing the subject property and constructing a building of approximately 14,445 sq. ft. The business of ABC Rentals is well known to this Commissioner and the company has many other locations in Baltimore County. In essence, the company leases all types of equipment and items to the general public. The items leased range from Bobcats and similar type contractor/construction equipment to household items. Most of the items are leased on a short term basis to homeowners and small business persons. It is of note that the building to be constructed will be divided into different sections. Approximately 1800 sq. ft. of the building will be dedicated to a showroom where items will be displayed. An additional 1800 sq. ft. will be occupied by the company's offices and an additional 1800 sq. ft. will be set aside for a repair and maintenance shop. The majority of the building, some 9,045 sq. ft., will be used for storage of the items rented. Moreover exterior storage will be provided throughout the balance of the tract as shown on the site plan.

Interestingly, the BCZR does not define that type of business in which ABC Rentals is engaged. It is not a true retail operation in the sense that no items are sold. A contractor's equipment storage yard appears to be a close fit, however. Under the definition of that term within Section 101, the BCZR notes that such a use includes any inside or outside of a building area used for storage or keeping of contractor's equipment or machinery including building materials storage, construction equipment

- 2 -

storage or landscaping equipment and associated materials. The items rented by ABC Rentals falls within this type of material.

A contractor's equipment storage yard is permitted in a B.R. zone by special exception pursuant to Section 236.4 of the BCZR. A special exception use is presumptively proper, upon the Petitioner showing that there will be no detrimental effect of the use upon the health, safety and general welfare of the surrounding locale. The Petitioner must meet the standards set forth in Section 502.1 of the BCZR.

Based upon the testimony and evidence presented, I am persuaded that the Petition for Special Exception should be granted. The proposed use is entirely consistent with other uses throughout the area. There is no evidence that the proposed use at this location would cause any detrimental effect to the surrounding locale. Each of the tests listed in Section 502.1 of the regulations is satisfied.

The variance relief requested is twofold. First, the Petitioner requested approval for 24 spaces in lieu of the required 73 spaces. Second, a freestanding sign of 200 sq. ft. is requested, in lieu of the maximum allowed 100 sq. ft.

As to the parking variance, same is driven by the regulations set forth in Section 409 of the BCZR. Although the use is not considered retail, the retail parking regulations are appropriate in computing the number of spaces required. However, as noted above, only a small part of the building will allow public access. If the parking calculations for retail use were applied only to the 1800 sq. ft., dedicated to the show room, 9 parking spaces would be required. Six additional spaces would be required for the office space for a total of 15 uses. The majority of spaces will be generated by the large storage area of the building. Clearly, this storage area will not, in and of itself, generate traffic.

- 3 -

As to the sign variance, the Petitioner noted that this site does not immediately abut U.S. Route 40 and, thus, larger signage is requested. The Petitioner also produced testimony and evidence that the proposed sign was consistent with other signs in the area. There is no adverse comment from any County agency, nor adverse witness in opposition to these variances.

Based upon the uncontradicted testimony and evidence offered, I am persuaded that the Petitioner has satisfied the burden for the granting of the variances set forth in Section 307.1 of the BCZR and the case law. I find, as fact, that the Petitioner has demonstrated that the property possesses unique characteristics which justify the variances. A denial of the variances would result in practical difficulty to the Petitioner. For these reasons, the variances will be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27th day of July, 1995 that, pursuant to the Petition for Special Exception, approval of a contractor's equipment storage yard in a B.R.-C.C.C. zone, and Section 236.4 of the BCZR, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.6.(A)(2) to allow 24 parking spaces in lieu of the required 73 parking spaces, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 413.2.(F) to allow a total of 200 sq. ft. of free standing signage area, in lieu of the permitted 100 sq. ft., be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until

- 4 -

such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LES:mmm

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 26, 1995

David M. Meadows, Esquire
4111 E. Joppa Road
Baltimore, Maryland 21236

RE: Petitions for Special Exception and Variance
Case No. 95-481-SVFA
Property: 800 Geipe Road
ABC Rentals, Contract Lessee/ Rolling Road Realty,
Inc., Legal Owner

Dear Mr. Meadows:

Enclosed please find the decision rendered on the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm

att.

cc: Mr. Lee Lightner, ABC Rentals, 6425-B Baltimore National Pike, 21128

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Petition for Special Exception
to the Zoning Commissioner of Baltimore County

for the property located at

800 Geipe Road
which is presently zoned BR-CCC

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A special exception, of a "Contractor's Equipment Storage Yard", pursuant to Section 236.4 of the Baltimore County Zoning Regulations. See, attached Statement of Reasons.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

ABC RENTALS
(Type or Print Name)
Signature Lee Lightner, Agent
Address 6425-B Baltimore National Pike
City Baltimore, Maryland State 21128 Zipcode

Attorney for Petitioner:

David M. Meadows, Esq
(Type or Print Name)
Signature [Signature]
Address 4111 E. Joppa Road (410) 529-4600
City Baltimore, Maryland State 21236 Zipcode

Legal Owner(s):
(Type or Print Name)
Signature [Signature]
Address 6189 Executive Blvd. (301) 438-8531
City Rockville, Maryland State 20852 Zipcode

ROLLING ROAD REALTY, INC.
(Type or Print Name)
Signature [Signature]
Address 4111 E. Joppa Road (410) 529-4600
City Baltimore, Maryland State 21236 Zipcode

6189 Executive Blvd. (301) 438-8531
Address Phone No.

Rockville, Maryland 20852
City State Zipcode

Name Address Phone No.

ESTIMATED LENGTH OF HEARING: 1 hr.

Next Test Month

ALL OTHER

REVIEWED BY: [Signature] DATE: 6/21/95

Justification for Special Exception to allow a "Contractor's Equipment Storage Yard" in a BR-CCC Zone, pursuant to Section 236.4 of the BCZR.

The requested Special Exception, if granted, will result in the inclusion of a storage yard with the proposed tool and equipment Rental Center. The storage yard is a vital element of the rental operation. Without the granting of this Special Exception, the ABC Rental Center will not be able to locate here.

We would like to point out that the granting of the requested Special Exception will not:

- Be detrimental to the health, safety or general welfare of the locality. This Center will be maintained and operated in a safe manner and will contribute positively to the Community.
 - Tend to create congestion in roads. Access to this site will utilize an existing curb cut. The traffic generated from the proposed use will not exceed the traffic which was generated from this site when the now-vacant building next door was in operation by Montgomery Wards.
 - Create a potential hazard from fire, panic or other dangers. The operations on this site will meet or exceed all applicable safety codes. Sufficient access will be designed so as to provide adequate fire protection.
 - Tend to overcrowd land and cause undue concentration of population. This development will not generate any additional population. All employees are existing residents. This type of use has not been shown to result in concentrations of populations.
 - Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements. This proposal is a redevelopment of an already-paved parking lot. It will not interfere with any of the above.
 - Interfere with adequate light and air. The proposed building mass, setbacks, arrangement and clearances in the outdoor storage yard will not interfere with the passage/flow of light and air.
 - Be inconsistent with the purpose of the Property's zoning classification...
- The proposal is entirely consistent with the spirit and intent of the BR Zone in a CCC district.
- Be inconsistent with the impermeable surface and vegetative retention provisions of these zoning regulations. The site exists as a paved parking lot. The proposal will actually result in less paving and more landscaping than the existing conditions.



See attached Statement of Reasons.

the following dates: _____ Next Two Months
ALL _____ OTHER _____
DATE 6/21/45

13

TO: DUTYFREE PUBLISHING COMPANY
June 27, 1995 Issue - Jeffersonian

Please forward billing to:

David M. Meadows, Esq.
4111 E. Joppa Road
Baltimore, MD 21236
529-4600

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-481-2A (Item 472)
800 Geipe Road
W/S Geipe Road, 326.03' S of c/l Baltimore National Pike
1st Election District - 1st Councilmanic
Legal Owner(s): Rolling Road Realty, Inc.
Contract Purchaser(s): ABC Rentals
HEARING: TUESDAY, JULY 25, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Exception for a contractor's equipment storage yard.
Variance to allow 24 parking spaces in lieu of the required 73 parking spaces and to allow a total of 200 square feet of freestanding sign area in lieu of the permitted 100 square feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 27, 1995

NOTICE OF HEARING

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Variance to allow 24 parking spaces in lieu of the required 73 parking spaces and to allow a total of 200 square feet of freestanding sign area in lieu of the permitted 100 square feet.

Arnold Jablon
Director
Department of Permits and Development Management

cc: Rolling Road Realty, Inc.
ABC Rentals
David M. Meadows, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 18, 1995

David M. Meadows, Esquire
4111 E. Joppa Road
Baltimore, Maryland 21236

RE: Item No.: 472
Case No.: 95-481-XA
Petitioner: Rolling Road Realty

Dear Mr. Meadows:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 21, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: July 12, 1995

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 450, 470 and 472.
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey Long*

Division Chief: *Pat Keller*

PK/JL

ITEM450/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: July 11, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for July 10, 1995
Items 468, 469, 472, 473, 474, 475, 476 and 477

The Development Plans Review Division has reviewed the subject zoning item and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO: ZADM DATE: 7/7/95
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: July 3, 1995

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 468
469
472
473

LS:sp

LETTY2/DEPRM/TXTSP

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kasson
Administrator

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No: 472 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

PETITION PROBLEMS AGENDA OF JULY 3, 1995

#469 -- JRA

1. Need title of person signing for legal owner.
2. Need address and telephone number for legal owner.
3. Need attorney.

#470 -- CAM

1. Receipt was not given to petitioner - still in folder.

#471 -- CAM

1. Need telephone number for legal owner.
2. Receipt was not given to petitioner - still in folder.

#472 -- MJK

1. Need printed or typed title for person signing for legal owner.
2. Need power of attorney for person signing for legal owner.
3. Need printed or typed title for person signing for contract purchaser.
4. Need power of attorney for person signing for contract purchaser.
5. No location description on folder.

#475 -- JRA

1. Folder was not marked critical area.

#476 -- JLL

1. Need power of attorney for person signing for contract purchaser.

DATE: August 17, 1995

TO: JLL
RECEIVED
JUN 18 1995
By SKJ DSK 8/21

Action: ☒ Limited Exemption (26-171.b.9)
☐ Waived Hearing Officer Hearing
☐ CRG Non-material Amendment
☐ Waived CRG Meeting

Please review the attached plan for compliance with current regulations and return comments to this office by **SEPT. 7, 1995**. If you have no comments or do not need to review this plan, please indicate by placing your initials here

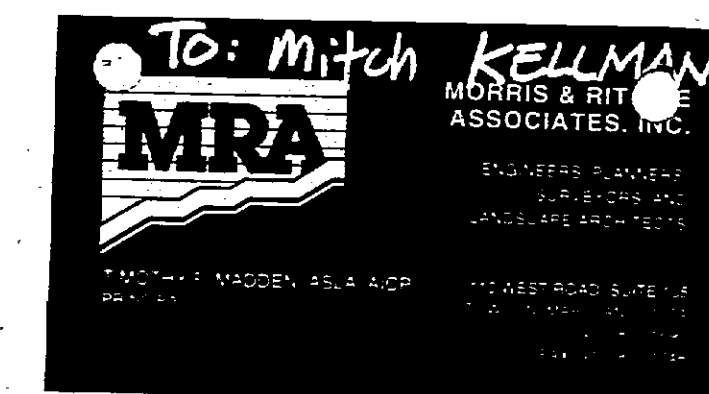
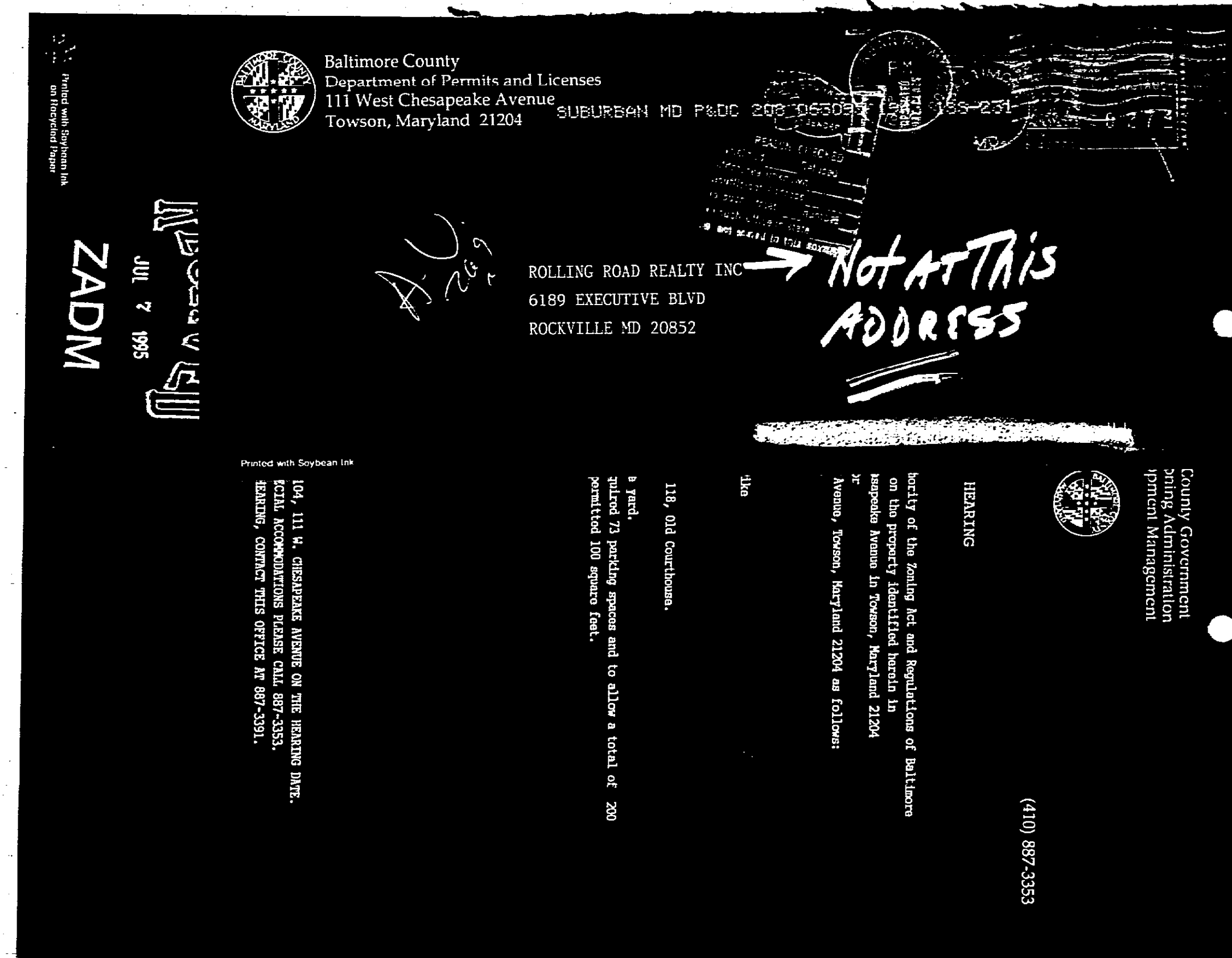
Please initial here if your agency requests PDM, Land Acquisition, to acquire

<input type="checkbox"/> HIGHWAY WIDENING	<input type="checkbox"/> FOREST BUFFER
<input type="checkbox"/> GREENWAY	<input type="checkbox"/> FLOODPLAIN
<input type="checkbox"/> DRAIN/UTILITY EASEMENT	<input type="checkbox"/> PUBLIC WORKS AGRMT
<input type="checkbox"/> FOREST CONSERVATION	<input type="checkbox"/> NONE OF THE ABOVE

DISAPPROVED FOR ZONING PER DISAGREEMENT
WITH ZONING HEARING SITE PLAN IN CASE #
95-481-XA.

DISCUSSED WITH ENGR ON 8/21/95 NO ACTION
ON CORRECTION BY DEADLINE APPL'DATE



J. Lewis 9/7/93
J. LEWIS PDM.



PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
① David M. Macleod, Esq. (Attorney for Battleground)	411 E. 3rd St. Rd. Baltimore, Md 21202
② Tim Madden, consultant	110 West Road, suite 105 Towson, Md.
③ LEE LIGHTNER (ABC RENTAL)	4455 BALTIMORE NATL AVE CATONSVILLE, MD 21228



	<p style="text-align: center;">MORRIS & RITCHIE ASSOCIATES, INC. ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS</p> <p style="text-align: center;">110 West Road, Suite 105 Towson, Maryland 21204 (301) 821-1690 Fax: (301) 821-1748</p>	
	<p style="text-align: center;">PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION HEARING</p> <p style="text-align: center;">ABC RENTAL GEIPE ROAD</p> <p style="text-align: right; font-size: 1.5em;"># 472</p>	
<p>DATE</p>	<p>REVISIONS</p>	<p>JOB NO: 10078</p>
		<p>SCALE: 1" = 30'</p>
		<p>DATE: 5-23-95</p>
		<p>DRAWN BY: BNJ</p>
		<p>DESIGN BY:</p>
		<p>REVIEW BY:</p>
		<p>SHEET:</p>